

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
Case No. 1:21-cv-00753-JLS

Deborah-Lee Adams, individually and on
behalf of all others similarly situated,

Plaintiff,

- against -

Tops Markets, LLC,

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that for the reasons set forth in the accompanying Memorandum of Law dated March 14, 2022, Defendant Tops Markets, LLC, will move the United States District Court, Western District of New York, before United States District Court Judge John L. Sinatra, at the courthouse located at 2 Niagara Square, Buffalo, New York 14202, for an Order striking the Second Amended Complaint in its entirety pursuant to Fed. R. Civ. P. 12(f), or, alternatively, dismissing it pursuant to Fed. R. Civ. P. 12(b)(6), together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendant intends to file and serve a reply in response to any memorandum in opposition submitted by Plaintiff.

Dated: March 14, 2022
New York, New York

Respectfully submitted,

SHOOK HARDY & BACON L.L.P.

/s/ William E. Vita

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Pro Hac Vice Motion Filed or
Forthcoming

Attorneys for Plaintiff